

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

<b>GARY EVANS</b>	<b>:</b> CIVIL ACTION NO. 1:10-CV-2557
	<b>:</b>
<b>Plaintiff</b>	<b>:</b> (Chief Judge Kane)
	<b>:</b> (Magistrate Judge Carlson)
<b>v.</b>	<b>:</b>
	<b>:</b>
<b>JOHN POTTER, Postmaster General,</b>	<b>:</b>
<b>U.S. POSTAL SERVICE</b>	<b>:</b>
	<b>:</b>
<b>Defendants</b>	<b>:</b>
	<b>:</b>

**O R D E R**

Before the Court in the captioned action is an July 15, 2011 report of the Magistrate Judge. No timely objections have been filed.

Accordingly, upon review of the record and the applicable law, **IT IS HEREBY ORDERED THAT:**

- 1) The Court adopts the Report and Recommendation of Magistrate Judge Carlson.
- 2) The Defendant's Motion to Dismiss, (Doc. No. 17), is **GRANTED**.
- 3) The Plaintiff's complaint is dismissed without prejudice to any effort by Evans to timely allege facts and legal claims in an amended complaint which might state a claim upon which relief may be granted, and without prejudice to the defendants asserting any defenses which they may possess to any allegations, claims and causes of action set forth in an amended complaint.

- 4) The Clerk of Court shall close the file.

s/ Yvette Kane  
YVETTE KANE, Chief Judge  
United States District Court  
Middle District of Pennsylvania

Dated: August 2, 2011.